



PLANNING COMMISSION AGENDA

Wednesday, July 18, 2007

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair

James Zito, Vice-Chair

Christopher Platten Ash Kalra

Randi Kinman

Matt Kamkar Lisa Jensen

**Joseph Horwedel, Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, July 18, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

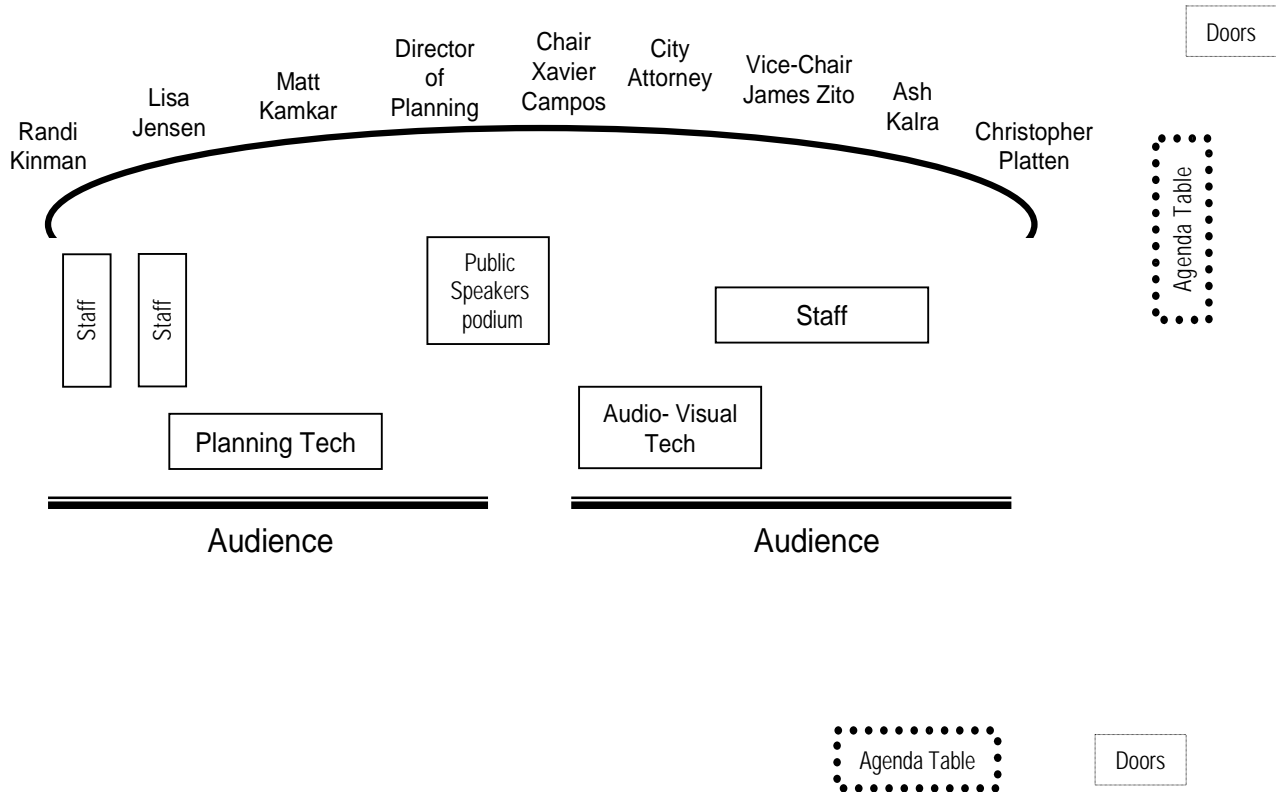
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC06-094**. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed on a podium on a 4.4 gross acre site, located at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) (381 Stockton LLC, Owner; Morrison Park Homes LLC, Chris Kober, Developer). Council District 6. SNI: None. CEQA: Draft Mitigated Negative Declaration.

DEFER TO 8-8-07

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **STREET VACATION**. The Vacation of a portion of Paula Street, between Race Street and Meridian Way. Council District 6. CEQA: Exempt

Staff Recommendation:

Recommend the City Council approval of the vacation to the satisfaction of the Director of Public Works as recommended by Staff.

- b. **STREET VACATION**. The Vacation of a portion of Public Service Easement (PSE) along Samaritan Drive and Clydelle Avenue; the Vacation of a portion of Sidewalk Easement (SWE) along Samaritan Drive. Council District 9. CEQA: Exempt

Staff Recommendation:

Recommend the City Council approval of the vacation to the satisfaction of the Director of Public Works as recommended by Staff.

- c. **C07-026**. Conforming Conventional Zoning from the IP Industrial Park Zoning District to the CG Commercial General Zoning District to allow commercial uses on a 9.8 gross acres site, located at/on the southeast corner of North First Street and Holger Way (Palm Inc, Owner). Council District 4. SNI: None. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA.
Recommend to the City Council approval of a Conforming Conventional Zoning from the IP Industrial Park Zoning District to the CG Commercial General Zoning District as recommended by Staff.

- d. **C07-034**. Conventional Rezoning of a 1.37 acre portion of an 8.53 gross acre site from A - Agricultural to HI Heavy Industrial Zoning District., located at the westerly of the Guadalupe River, at the southern terminus of Seaboard Avenue (2500 SEABOARD AV) (City Of San Jose, Owner). Council District 4. SNI: None. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA.
Recommend to the City Council approval of a Conventional Rezoning of a 1.37 acre portion of an 8.53 gross acre site from A - Agricultural to HI Heavy Industrial Zoning District as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **CP07-025**. Conditional Use Permit Renewal to allow an existing public eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily in the DC Downtown Primary Commercial Zoning District. Britannia Arms, located at 173 W. Santa Clara Street. (The Farmers Union, owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 6-27-07.

Staff Recommendation:

Approve a Conditional Use Permit Renewal to allow an existing public eating, drinking, and entertainment establishment and late night use until 2:00 a.m.

daily in the DC Downtown Primary Commercial Zoning District as recommended by Staff.

- b. [CP07-027/ABC07-005](#). Conditional Use Permit to convert existing office space to an art gallery, public eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily; **and** a Liquor License Exception Permit for a Determination of Public Convenience or Necessity to allow on-sale alcohol on a 0.02 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the east side of S. 3rd Street, 190 feet south of E. Santa Clara Street (32 S 3RD ST) (Ross Lawrence AR Trustee & Et Al, Owner). Council District: 3. SNI: University. CEQA: Exempt. ([Plans](#))

Staff Recommendation:

Approve a Conditional Use Permit to convert existing office space to an art gallery, public eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily; **and** a Liquor License Exception Permit for a Determination of Public Convenience or Necessity to allow on-sale alcohol as recommended by Staff.

- c. [PDC05-122](#). Planned Development Rezoning from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow one single-family detached residence and up to 13 single-family attached residences on a 0.74 gross acre site located on the east side of Radio Avenue, approximately 160 feet north of Lincoln Court (2102 Radio Avenue) (Willow Village Square, LLC Paul Majoulet, owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. ([Plans](#))

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District on a 0.74 gross acre site as recommended by Staff.

- d. [PDC03-108](#). Planned Development Rezoning from A(PD) Planned Development Zoning District on 101-acres, IP-Industrial Park Zoning District on 19-acres and A-Agriculture Zoning District on .76-acres to A(PD) Planned Development Zoning District to allow up to 2,818 residential units and up to 365,622 square feet of commercial/industrial uses on an approximately 120 gross acre site, located on both sides of Berryessa Road, between the Union Pacific Railroad Right-of-Way to the east and the Coyote Creek to the west, north of Mabury Road. (1590 BERRYESSA RD) (The Flea Market Inc, Owner/ Developer). Council District 4. SNI: None. CEQA: Environmental Impact Report. Continued from 5-30-07. ([Supplemental memo](#))

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District on 101-acres, IP-Industrial Park Zoning District on 19-acres and A-Agriculture Zoning District on .76-acres to A(PD) Planned Development Zoning District as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 - 1. Responding to statements made or questions posed by members of the public; or
 - 2. Requesting staff to report back on a matter at a subsequent meeting; or
 - 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider study session dates and/or topics

8. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:00 p.m.	<i>Study Session</i>	T-332
		<i>Sunshine Reform Task Force Recommendations</i>	
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
Mon., June 11	6:30 p.m.	Regular Meeting	W-118 / 119 / 120
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	W-120
		<i>Riparian Corridor issues</i>	
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers